

FILED

JAN 08 2014

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANE KYLE TALKSABOUT,

Defendant.

CR 10-79-GF-DLC-RKS-01

ORDER

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on December 20, 2013. Defendant admitted he violated the conditions of his supervised release by consuming alcohol and associating with a convicted felon. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months with 30 months supervised release to follow.

No objections were filed by either party. Judge Strong's findings and

recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated the conditions of his supervised release by consuming alcohol and associating with a convicted felon. The United States Sentencing Guidelines call for 3 to 9 months imprisonment. A sentence of 6 months is appropriate. Mr. Talksabout's underlying offense involved alcohol abuse and resulted in the loss of life. While Mr. Talksabout has generally done well on supervised release, the conduct that brings him before the Court represents a serious relapse, especially in light of the recent warning he was given about alleged non-compliance with the conditions of his supervised release. Thirty months continued supervised release is appropriate because Mr. Talksabout has generally improved while on supervised release and continued supervised release will serve as a deterrent to the temptations of future alcohol abuse and protect the community.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 36) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 8th day of January 2014.


Dana L. Christensen, Chief Judge
United States District Court